

State of Minnesota

District Court

County

Judicial District: _____

Court File Number: _____

Case Type: Juvenile

In the Matter of the Welfare of the Child(ren) of:

☐ Parent ☐ Legal Custodian

☐ Parent ☐ Legal Custodian

**Child In Need of Protection
Or Services Petition**

To: District Court – Juvenile Division

NOTICE TO PETITIONER: Minnesota Statutes § 260C.141, subd. 1(b), requires a petitioner to report any allegation of child abuse or neglect to the social services agency in the county where the child(ren) resides before filing a Petition with the Court. This Petition may be rejected if you have not first contacted the social services agency.

1. My name is (*name*), _____ and I am the Petitioner in this matter. I am not a county attorney or an agent of the Commissioner of Human Services.
2. I have reported the information and circumstances alleged in this Petition to the social services agency in the county where the child(ren) resides, and the agency has declined to provide protection or services to the child (*check one*):
☐ FALSE (If “False,” you must contact the social services agency before submitting this petition).
☐ TRUE, I have contacted the social services agency (please continue to Question 3).
3. If you checked “True in Question 2,” please complete the following and attach a copy of the social services denial, if one was prepared:
 - a. Name of social services agency contacted: _____
 - b. Date social services agency contacted: _____
 - c. Date social services agency declined to provide protection or services: _____
 - d. Reason(s) (if known) that social services agency declined to provide protection or services:

4. I am related to the child(ren) or the child’s parent(s) or custodian(s) (*check one*):
☐ NO, I am not related to the child(ren) or the child’s parent(s) or custodian(s).
☐ YES, I am related as follows: _____
5. I am not filing this Petition for the sole purpose of trying to change custody between the child(ren)’s parents (*check one*): ☐ TRUE ☐ FALSE

6. The name, date of birth, race, and address of the child(ren) are:

Child's Name	Date Of Birth	Race	Address

7. If known, the name, date of birth, race, and address of the child(ren)'s parent(s) or custodian(s) are:

Parent(s) or Custodian(s) Name	Date Of Birth	Race	Address

8. If different from the answer to Question 7, the name and address of the person(s) who have custody or control of the child(ren), or the child(ren)'s nearest known relative if no parent or guardian can be found, are:

Name of Person(s) With Custody of Child(ren)	Address

9. The name and address of the child's spouse (if any):

Name of Child's Spouse (if any):	
Name of Child's Spouse (if any)	Address

10. The child(ren) is/are enrolled or eligible for enrollment in an American Indian Tribe and, therefore, the Indian Child Welfare Act applies (*check one*):

☐ YES, and the name of the Tribe is: _____.

☐ NO, the children are not enrolled in or eligible for enrollment in an American Indian Tribe.

11. The facts upon which Petitioner relies for the assertion that the child(ren) is/are in need of protection or services are as follows *(using an additional sheet of paper if necessary, describe in as much detail as possible why you believe the child(ren) is/are in need of protection or services, including names of persons involved and dates and times of events)*:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

12. A juvenile court or family court custody order exists, or a juvenile court or family court proceeding is pending, regarding the child(ren) (*check one*):
- ☐ UNKNOWN, I am unaware of any other files.
 - ☐ NO, there are no other files.
 - ☐ YES, there is another file with the following information:
Case Name: _____
County: _____
File Number: _____
13. The child(ren) is/are in need of protection or services within the meaning of the following provisions of Minnesota Statutes § 260C.007, subd. 6 (*check one or more of the following*):
- ☐ Subd. 6(1), because the child(ren) is/are abandoned or without parent, guardian, or custodian.
 - ☐ Subd. 6(2), because the child(ren) (a) has/have been a victim(s) of physical or sexual abuse; or (b) reside(s) with or has/have resided with a victim of domestic child abuse as defined in Minn. Stat. § 260C.007, subd. 5; (c) reside(s) with or would reside with a perpetrator of domestic child abuse or child abuse as defined in Minn. Stat. § 260C.007, subd. 5; or (d) is/are a victim(s) of emotional maltreatment as defined in Minn. Stat. § 260C.007, subd. 8.
 - ☐ Subd. 6(3), because the child(ren) is/are without necessary food, clothing, shelter, education, or other required care for the child(ren)'s physical or mental health or morals because the child(ren)'s parent, guardian, or custodian is unable or unwilling to provide that care.
 - ☐ Subd. 6(4), because the child(ren) is/are without the special care made necessary by a physical, mental, or emotional condition because the child(ren)'s parent, guardian, or custodian is unable or unwilling to provide that care, including a child in voluntary placement due solely to the child's developmental disability or emotional disturbance according to release of the parent under section 260C.212, subd. 9.
 - ☐ Subd. 6(5), because the child(ren) is/are medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment: (i) the infant is chronically and irreversibly comatose; (ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or (iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

- ☐ Subd. 6(6), because the child(ren) is/are one(s) whose parent, guardian, or other custodian for good cause desires to be relieved of the child(ren)'s care and custody, including a child in placement according to voluntary release by the parent under Minn. Stat. § 260C.212, subd. 8.
- ☐ Subd. 6(7), because the child(ren) has/have been placed for adoption or care in violation of law.
- ☐ Subd. 6(8), because the child(ren) is/are without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child(ren)'s parent, guardian, or other custodian.
- ☐ Subd. 6(9), because the child(ren) is/are one(s) whose behavior, condition, or environment is such as to be injurious or dangerous to the child(ren) or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home.
- ☐ Subd. 6(10), because the child(ren) is/are experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect.
- ☐ Subd. 6(11), because the child(ren) has/have engaged in prostitution as defined in Minn. Stat § 609.321, subd. 9.
- ☐ Subd. 6(12), because the child(ren) has/have committed a delinquent act or a juvenile petty offense before becoming ten (10) years old.
- ☐ Subd. 6(13), because the child is a runaway.
- ☐ Subd. 6(14), because the child is an habitual truant.
- ☐ Subd. 6(15), because the child has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under Minn. Stat. § 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense.

14. I believe that because of the conditions and surroundings of the child(ren), the child(ren)'s welfare requires that this Court immediately take the child(ren) into custody pursuant to Minnesota Statutes § 260C.151, subd. 6.

Based upon all of the above information, I, Petitioner, request that the above-named child(ren) be brought before the District Court, Juvenile Court Division, and that the child(ren)'s alleged need for protection or services be dealt with in accordance with the law.

Dated: _____

Petitioner's Signature

(Sign only in front of notary public or court administrator)

Name: _____

Street Address: _____

City/State/Zip: _____

Name, address, and phone number of attorney for Petitioner (if any):

Name: _____

Address: _____

Phone: _____

Attorney ID: _____

Subscribed and sworn to before me this

_____ day of _____, _____

Notary Public \ Court Administrator

**After you have filled out this form and signed it in front of a notary or the court administrator,
give it to the court administrator to review for completeness.**

Verification

State Of Minnesota)
County Of _____)

I, _____, being duly sworn upon oath, state that I am the Petitioner in the above-entitled action; I have read and know the contents of the foregoing Petition; and the statements in the Petition are true of my knowledge except as to those matters stated on information and belief and, as to those matters, I believe them to be true.

Dated: _____

Petitioner's Signature

(Sign only in front of notary public or court administrator)

Name: _____

Street Address: _____

City/State/Zip: _____

Subscribed and sworn to before me this
_____ day of _____, _____

Notary Public \ Court Administrator

Acknowledgement

State Of Minnesota)
County Of _____)

I, _____, being duly sworn upon oath acknowledge that, pursuant to Minnesota Statutes section 549.211, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties for actions I commence in bad faith; for any claim or defense that I assert that is frivolous and costly to the other party or parties; for any position I assert that is unfounded and meant solely to delay the ordinary course of the proceedings or to harass; or for any fraud I commit upon the Court.

Dated: _____

Petitioner's Signature

(Sign only in front of notary public or court administrator)

Name: _____

Street Address: _____

City/State/Zip: _____

Subscribed and sworn to before me this
_____ day of _____, _____

Notary Public \ Court Administrator

For Court Use Only

Review of Petition by Court Administrator and Judge

REVIEW BY COURT ADMINISTRATOR FOR COMPLETENESS

Pursuant to Juvenile Protection Rule 33.02, subd. 2(b)(3), before filing a "pro se" petition, the court administrator must review the petition to determine whether it is or is not complete. In conducting the review, the court administrator must specifically determine whether the person has or has not contacted the social services agency in the county where the child resides before attempting to file the petition. This may be accomplished by looking at the answer to Question 5 and determining whether the "True" or "False" box has been checked. If the person indicates that the social services agency has not been contacted, the court administrator must reject the petition as incomplete and must not file the petition. If the person has contacted the social services agency, the court administrator may file the petition and within three (3) days of filing must submit the petition to a judge for further review.

Court Administrator: Check one of the following:

☐ The petition is complete and shall be filed and submitted to a judge for further review.

OR

☐ The petition is not complete and is rejected.

REVIEW BY JUDGE FOR PRIMA FACIE DETERMINATION

Pursuant to Juvenile Protection Rule 33.02, subd. 2(b)(4), within three (3) days of the filing of a "pro se" CHIPS petition, a judge shall review the petition. If the judge determines that the petition and attachments establish a prima facie case that a CHIPS matter exists and that the child is the subject of that matter, the court shall set the matter for an Admit/Deny Hearing pursuant to Rule 34 and shall direct the court administrator to serve a summons and notice pursuant to Rule 32. The judge shall not allow a petition to proceed if it appears, after reviewing the answer to Question 5, that the sole purpose of the petition is to modify custody between the parents or if it fails to set forth the information required in Rule 33.02, subds. 1 and 2(b).

Judge: Check one of the following:

☐ Pursuant to review required under Minnesota Statutes § 260C.141, subdivision 1(b), and Juvenile Protection Rule 33.02, subd. 2(b)(4), the undersigned Judge of District Court has reviewed the foregoing Child in Need of Protection or Services Petition and has determined that the petition establishes a prima facie case that a child in need of protection or services matter exists and the child is the subject of that matter. **The court administrator shall set the matter for hearing and shall service notice of the hearing upon the parties and participants. Notice to the services agency shall be accomplished by sending notice to the county attorney.**

Or

☐ Pursuant to review required under Minnesota Statutes §260C.141, subdivision 1(b), and Juvenile Protection Rule 33.02, subd. 2(b)(4), the undersigned Judge of District Court has reviewed the foregoing Child in Need of Protection or Services Petition and has determined that the petition does not establish a prima facie case that a child in need of protection or services matter exists. **The Petition is hereby dismissed without prejudice and the court administrator shall so notify Petitioner.**

Date: _____

By The Court:

Judge of District Court